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Serial No. 09/942,932

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## REMARKS

Claims 1-32 are pending in the application. Applicant amends claims 1, 4, 6-9, 11-12, 14-17, 20, 22-25, 28, and 30-32 for clarification, and refer to Fig. 2 and its corresponding description in the specification for an exemplary embodiment of and support for the claimed invention. No new matter has been added.

Applicant submitted a claim for foreign priority under 35 U.S.C. § 119 from Japanese Patent Application No. 2000-319945 (filed October 19, 2000) and Japanese Patent Application No. 2001-216898 (filed July 17, 2001), together with certified copies of the foreign priority applications. Applicant respectfully requests that the Examiner properly acknowledge the priority claim and the receipt of the certified copies of the priority documents.

Claims 1-3, 5-8, 9-11, 13-19, 21-27, and 29-32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,845,361 to Dowling in view of U.S. Patent No. 6,449,357 to Sashihara.

Dowling describes a “virtual-wait queue” technique for managing a wait queue that may include remote customers waiting in line for, say, a restaurant. According to the system described therein, a remote customer may access the “virtual-wait queue” using a wireless device and the system may return information such as estimated time left in the queue. In particular, Dowling describes a system that allows users to remotely add themselves to a wait queue. Please see, e.g., col. 8, line 66 to col. 9, line 12 of Dowling. Dowling further describes a display list comprising the entire waiting list being optionally “made visible to the general public via a network connection.” Col. 8, lines 25-28 of Dowling. The Examiner acknowledged that Dowling does not disclose the claimed feature of “information expressing at least a total number of other users accessed earlier than the user,” but relied upon Sashihara as a combining reference

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that allegedly discloses this feature. Sashihara describes a technique for reporting a queuing status where a user may program the system to send a queuing status message to the user's pager or telephone based on a number, set by the user, of other users ahead of the user on the queue. In other words, the system described in Sashihara may send a queuing status message to a user once the number of other users ahead of that user reaches a number set by that user. The Examiner apparently relied upon the description of this queuing status message, which may include a number of other users ahead of the message recipient, as alleged disclosure of the above-cited feature of the claimed invention.

Although the cited references describe various queuing management and status notification features, they merely describe features for alleviating a patron's need to physically wait in line for goods and services. They, therefore, do not disclose or suggest managing the distribution of content requested over a network. As such, they further fail to disclose or suggest providing, for example, time information on services being rendered—and, thus, on the queue—that is calculable from quantitative information on the services being rendered—for example, the data size of distributed content and network communications speed. Therefore, even assuming, arguendo, that it would have been obvious to one skilled in the art to combine Dowling and Sashihara, the combination would, at most, have suggested a system for managing and notifying a queue of physical patrons for goods and services, and, at most, an estimated time based on historical data. Please see, e.g., col. 11, lines 16-53 of Dowling. The references would have failed to disclose or suggest,

“[a] method for displaying wait order comprising the steps of:  
sending information from a server machine to a client terminal device whenever a distribution request is sent by a user via such client terminal device, the distribution request expressing

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request for distributing content to such client terminal device via a network, the information expressing at least a total number of other users who sent the distribution request earlier than the user, an order in the queue of the user in relation to such total number of other users at the point of time when the distribution request is sent by the user and a distribution schedule, the distribution schedule time expressing a time to start sending the content to such client terminal device of the user, which is calculated based on the total number of other users who sent the distribution request earlier than the user, data size of the content, and data-communications speed of the network; and

displaying on the client terminal device the received total number of other users, and the order in the queue of the user in relation to such total number and the distribution schedule time in a graphical or text style," as recited in claim 1. (Emphasis added)

Accordingly, Applicant respectfully submits that claim 1, together with claims 2-3 and 5-8 dependent therefrom, is patentable over Dowling and Sashihara, separately and in combination, for at least the above-stated reasons. Claims 9, 17, and 25 include features that correspond to those of claim 1 cited above, and are, therefore, together with claims 10-11, 13-19, 21-27, and 29-32 dependent therefrom, respectively, patentable over the cited references for at least the same reasons.

Claims 4, 12, 20, and 28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Dowling in view of Sashihara, and further in view of U.S. Patent No. 6,725,278 to Gonzalez. The Examiner relied upon Gonzalez to specifically address the features recited in the rejected dependent claims. As such, the combination of Gonzalez, as cited and relied upon by the Examiner, would still have failed to cure the above-described deficiencies of Dowling and Sashihara even assuming, arguendo, that such a combination would have been obvious to one skilled in the art. Applicant, accordingly, respectfully submits that claims 4, 12, 20, and 28 are patentable over the cited references for at least the above-stated reasons with respect to claims 1, 9, 17, and 25, from which they depend, respectively.

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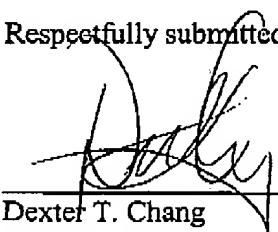
The above statements on the disclosures in the cited reference represent the present opinions of the undersigned attorney. The Examiner is respectfully requested to specifically indicate those portions of the reference that provide the basis for a view contrary to any of the above-stated opinions.

Applicant appreciates the Examiner's implicit finding that the additional references made of record, but not applied, do not render the claims of the present application unpatentable, whether these references are considered alone or in combination with others.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper, not fully covered by an enclosed check, may be charged on Deposit Account 50-1290.

Respectfully submitted,

  
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